

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CENTENNIAL MOLDING, LLC,

Plaintiff,

v.

**TOTE-A-LUBE,
a Minnesota corporation,**

Defendant.

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CASE NO. 8:05CV175

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Joint Stipulation to Substitute Ronald S. Carlson as the Defendant in this case. The Joint Stipulation states that Ronald S. Carlson is the owner of the patent at issue in the case. The parties agree that Tote-a-Lube should be dismissed without prejudice and that Ronald S. Carlson should be joined as a Defendant in the case. On the same day that the Stipulation was filed, Lagr, Inc., doing business as Tote-a-Lube, filed an Answer. In footnote number three in the Answer, Carlson notes that if the Court approves the stipulation to substitute Carlson for Tote-a-Lube, then the Answer is submitted on behalf of Carlson. In the same document, Ronald S. Carlson alleges a counterclaim against the Plaintiff Centennial Molding, Inc., for infringement of the patent reissued to Carlson, noting in footnote four that the counterclaim is contingent upon the Court's approval of the stipulation.

In support of the parties' efforts to name the proper defendant,

IT IS ORDERED:

1. Joint Stipulation to Substitute Ronald S. Carlson (Filing No. 23) is approved and the relief requested therein is granted instanter;
2. Ronald S. Carlson is joined as a Defendant in this case;
3. Defendant Tote-a-Lube is dismissed from this action without prejudice;

4. The Answer of Defendant Lagr, Inc., doing business as Tote-a Lube, (Filing No. 24), shall be deemed the Answer of Ronald S. Carlson, and the Counterclaim brought by Ronald S. Carlson against Centennial Molding, Inc., may remain; and
5. Centennial Molding, Inc. has answered the counterclaim of Ronald S. Carlson, and its answer shall remain (Filing No. 27); and
6. The Clerk of the Court and the parties are directed to change the caption of the case to remove Tote-a-Lube as Defendant and to substitute Ronald S. Carlson as Defendant.

Dated this 13th day of September, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge